



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

1 Congress Street, Suite 1100
BOSTON, MA 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SEP 22 2005

Scott Alfonse, Director of Environmental Stewardship
City of New Bedford
133 William Street
New Bedford, Massachusetts 02740

Re: Approval for Risk-Based PCB Remediation under 40 CFR §761.61(c)
McCoy Field Wetland Sediment
MADEP RTN: 4-15685

Dear Mr. Alfonse:

This is in response to your application to address PCB-contaminated sediment in the wetlands located adjacent to McCoy Field, Hathaway Boulevard, New Bedford, Massachusetts (the Site).¹ The Site contains PCB-contaminated sediment that exceeds the allowable PCB levels under the federal PCB regulations at 40 CFR §761.61.

The City of New Bedford (the City) has submitted a proposed cleanup plan that includes the following major activities:

- Excavation and off-site disposal of PCB-contaminated sediment at greater than 1 part per million (>1 ppm);
- Wetland restoration; and,
- Establishment of long-term monitoring for habitat recovery.

Based on the EPA's review, the proposed plan is acceptable and will create no unreasonable risk when conducted in accordance with the Application and this Approval. The City may proceed with the cleanup and disposal under 40 CFR §761.61(c) and its Application, subject to the conditions of Attachment 1.

¹ This request was submitted on your behalf by BETA Group and was provided to support a risk-based cleanup and disposal approach for PCB-contaminated sediments under 40 CFR §761.61(c). Attachment 2 provides an inclusive list of supporting information for this request. These submissions will be referred to as the "Application."

This Approval specifically addresses requirements for the cleanup and disposal of PCB-contaminated sediments. The City shall follow all requirements and conditions for wetland restoration and for long-term monitoring of habitat recovery per the permits and approvals issued by the Massachusetts Department of Environmental Protection 401 Permit; the Army Corps of Engineers 404 Permit, and the New Bedford Conservation Commission Order of Conditions.

Nothing in this Approval is intended or is to be construed to prejudice any right or remedy concerning PCBs or other federally-regulated contaminants at the Site otherwise available to the EPA under Section 6 of TSCA, 15 U.S.C. §2605, 40 CFR Part 761, or other provisions of federal, state and local law.

EPA will not consider this cleanup complete until it has received all submittals required under this Approval. Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Varney", with a long horizontal flourish extending to the right.

Robert W. Varney
Regional Administrator

Attachment 1, Approval Conditions
Attachment 2, Administrative Record

cc: ✓ A. Hanscom, BETA
G. Martin, MADEP
S. Porter, New Bedford Conservation Commission
Army Corps of Engineers

**ATTACHMENT 1: WETLAND PCB REMEDIATION APPROVAL
CITY OF NEW BEDFORD, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB remediation waste* at the Site and identified in the Application.
2. The City of New Bedford (the City) shall conduct on-site activities in accordance with the conditions of this Approval and with the Application.
3. This Approval shall be revoked if the EPA does not receive written notification from the City of its acceptance of the conditions of this Approval within 10 business days of receipt.
4. In the event that the activities described in the Application differ from the conditions specified in this Approval, the conditions of this Approval shall govern.
5. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR §761.3 unless otherwise defined within this Approval.
6. The City must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the City shall contact EPA within 24 hours for direction on sampling and disposal requirements.
7. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
8. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the City are authorized to conduct the activities set forth in the Application. The City is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

9. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 3 business days prior to conducting any work under this Approval.
10. This Approval does not waive or compromise EPA's enforcement and regulatory authority, nor release the City from any applicable requirements of federal, state or local law, including those affecting any other contaminants.

REMEDIAL AND DISPOSAL CONDITIONS

11. The cleanup level for *PCB remediation waste* at the Site shall be less than or equal to 1 part per million (≤ 1 ppm).
 - a. *Bulk PCB remediation-waste* samples shall be collected on a bulk basis (e.g. mg/Kg) and in accordance with Subpart O. Verification sampling for *PCB remediation waste* shall be conducted in accordance with Subpart O procedures with a maximum 10-foot grid interval spacing. Samples shall be collected from both excavation bottoms and sidewalls, if applicable. PCB analytical results shall be reported on a dry weight basis.
 - b. In the event that verification samples are composited, the following shall apply:
 - i) The composite shall be prepared using equal volumes of each grab sample in accordance with §761.289(a); and,
 - ii) Analytical results of the composite samples shall be adjusted by multiplying the composite sample analytical results by the number of grab samples comprising the composite. This adjusted result shall be used to determine if the PCB cleanup standard has been achieved.
 - c. Wetland Remediation and Restoration Project Contract Specifications, Addendum 1, August 31, 2005, Technical Specifications Section 02265, Paragraph 3.02 shall be amended to include a requirement for testing of the (imported) wetland topsoil fill for PCBs.
12. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C/3541 or 3500B/3545 of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices. Chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
13. PCB waste generated as a result of the activities described in the Application, excluding any decontaminated materials, shall be disposed of in accordance with 40 CFR §761.61(a)(5), unless otherwise specified below:

- a) Non-liquid cleaning materials, such as PPE and similar materials resulting from decontamination, shall be disposed of in accordance with 40 CFR §761.79(g)(6).
- b) Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR §761.79(b)(3)(i)(A), §761.79(b)(3)(ii)(A), or §761.79(c)(2).
- c) PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR §761.79(b)(1) or disposed of under §761.70.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

- 14. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
- 15. Any proposed modification(s) in the plan, specifications, or information in the Application must be submitted to EPA for review and written approval. The City shall inform the EPA of any modification, in writing, at least 5 business days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve of the modification.
- 16. EPA may revoke, suspend, and/or modify this Approval if it finds that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment, or if the EPA does not receive information from the City it deems appropriate to make a determination regarding such potential risk.
- 17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
- 18. Any misrepresentation or omission of any material fact in the Application or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

19. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities present an unreasonable risk to public health or the environment; or if EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals. The City may apply for appropriate modifications in the event new rules, standards, or guidance come into effect.

RECORDKEEPING AND REPORTING CONDITIONS

20. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the City at City Hall and at the Site. All records shall be made available for inspection by authorized representatives of EPA, until such time as EPA approves in writing a request for an alternative disposition of such records.
21. The City shall submit a Final Completion Report to EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a narrative of the remedial activities; characterization and confirmation sampling analytical results (if applicable); copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; the size of the remediation area(s); copies of manifests and/or bills of lading; copies of certificates of disposal or similar certifications issued by the disposer; and any additional report required under a regulatory agency or authority, including the Summary Report required under the New Bedford Conservation Commission Order of Conditions dated August 31, 2005.
22. Required submittals shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
1 Congress Street, Suite 1100 - CPT
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

END OF ATTACHMENT 1

ATTACHMENT 2. ADMINISTRATIVE RECORD

- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Wetlands Risk-Based Cleanup Request, Wetlands Site at McCoy Field, New Bedford, Massachusetts, June 17, 2005*
- *EPA Comments on June 17, 2005 Risk-Based Cleanup Request for McCoy Field Wetlands, August 18, 2005*
- *Versar Ecological Assessment Review Comments, August 2, 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Response to Versar August 2, 2005 Ecological Assessment Review Comments, August 15, 2005*
- *Versar Review of August 15, 2005 Response to Comments, August 25, 2005*
- *City of New Bedford, Massachusetts, Wetlands Remediation and Restoration Project for New Keith Middle School Site, New Bedford, Massachusetts, Bid Documents and Specifications #SCH-5-C04, Addendum Number One, August 31, 2005*
- *City of New Bedford, Massachusetts, Wetlands Remediation and Restoration Project for New Keith Middle School Site, New Bedford, Massachusetts, Bid Documents and Specifications #SCH-5-C04, August 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Response to August 18, 2005 EPA Comments on Risk-Based Cleanup Request, September 1, 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Wetlands Risk-Based Cleanup Request, Wetlands Site at McCoy Field, New Bedford, Massachusetts, (Revised Portions Only), Rev. 1, September 1, 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Response to Versar August 25, 2005 Comments, September 2, 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Data Useability Assessment, September 8, 2005 (via e-mail)*
- *Versar Review of September 2, 2005 Response to Comments, September 16, 2005*

END OF ATTACHMENT 2